



**PROSPECTIVE BIDDERS NOTICE
MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (MWBE) & SERVICE
DISABLED VETERAN-OWNED BUSINESS (SDVOB) REQUIREMENTS:
CONSTRUCTION-RELATED CONSULTANT SERVICES CONTRACTS**

To Prospective Bidders:

Consistent with the State University of New York (SUNY)'s commitment and in accordance with Article 15-A and 17-B of the New York State Executive Law and its implementing regulations, state agencies and contractors are required to ensure that good faith efforts are made to include meaningful participation by Minority and Women-Owned Business Enterprises (MWBE) and Service Disabled Veteran-Owned Businesses (SDVOB). These requirements apply to all SUNY construction-related consultant services contracts in excess of \$25,000.

Receipt of MWBE/SDVOB documentation is required with submittal of qualifications for construction related consultants service contracts. Such documentation shall be submitted on the forms listed below in sub-parts (a) and (b). The MWBE Program Coordinator is given the statement of qualifications and short list of qualified consultants developed by the evaluation/selection committee for review and approval.

- a. Receipt of the Sub-consultant Staffing List
 - i. Architecture/Engineering Design Sub-consultant Staffing List ([7555-15](#))
 - ii. Construction Management Sub-consultant Staffing List ([7555-16](#))
 - iii. Commissioning Services Sub-consultant Staffing List ([7555-17](#))
- b. MWBE-EEO Policy Statement ([7557-104](#)) or the Vendor/Consultant's own EEO Policy Statement

Provide a completed Sub-consultant Staffing List, included in this RFP as an attachment, listing all proposed Subcontractors including Empire State Development (ESD) Certified MWBE firms and/or NYS-certified SDVOB firms you may use if selected for this Contract.

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INSTRUCTIONS CONTINUE ON THE NEXT PAGE

Construction Phase:

Receipt of the MWBE/SDVOB utilization plan is required with the bid. The Contract Administrator shall provide MWBE and SDVOB Utilization Plans to the University-wide MWBE Program Compliance Analyst for review and approval for the three short-listed firms (“Contractor”). The MWBE forms identified below shall be submitted by all bidders.

- a. Utilization Plan ([7557-107](#))
- b. MWBE-EEO Staffing Plan ([7557-108](#))

If the Bidder’s MWBE/SDVOB participation rate shown on its Utilization Plan is below the goals listed in the bid and advertisement, the campus MWBE Program Coordinator will provide a written notice of deficiency of the Utilization Plan within twenty (20) business days of its submission to the contractor, as required under 5 NYCRR §142.4 and 9 NYCRR § 252.2(1)(4).

The notice will include but not be limited to the following:

- a. A list of NYS certified MWBEs/SDVOBs that the contractor could potentially use within the contract scope of work;
- b. The name of any MWBE/SDVOB which is not acceptable for the purpose of complying with the participation goals; and
- c. Any other information which the MWBE Program Coordinator determines to be relevant to develop an approvable Utilization Plan.

The contractor shall respond to the notice of deficiency by submitting a revised Utilization Plan within seven (7) business days, as required by 5 NYCRR Part §142.6 (e) and 9 NYCRR § 252.2(1)(5) to the MWBE Program Coordinator.

If the deficiency is not corrected and the MWBE and/or SDVOB participation rate on the Utilization Plan is still below the goals listed in the bid and advertisement, the contractor should request a waiver(s).

The Waiver Request Form submitted by the contractor will include, but not be limited to, the following:

- a. A request for partial or total waiver of MWBE goals as required by 5 NYCRR Part §142.6 (f) and 9 NYCRR § 252.2(m) (2) on Request for Waiver (Form 7557-114 and/or 7564-114) provided by the University-wide Program Office.
- b. Copy of the deficient Utilization Plan.
- c. Work Scope of this contract. If there are subcontracting opportunities, please provide documentation d, e, and f.
- d. Screenshot of searching results for available MWBEs in [NYS M/WBE Directory](#) and/or screenshot of searching result for available SDVOBs in [Directory of NYS Certified SDVOBs](#)
- e. Copy of email messages containing the request for quote along with the responses from MWBEs/SDVOBs.
- f. Forms recommended to obtain information on MWBE vendor solicitation efforts are:
[7557-101](#) – MWBE Contractor Solicitation Letter
[7557-102](#) – MWBE Participation Quote
[7557-103](#) – MWBE Contractor Unavailability Certification
[7557-105](#) – MWBE EEO Work Plan
[7557-106](#) – Contract Breakdown and Sample
[7564-101](#) – SDVOB Contractor Solicitation Letter
[7564-102](#) – SDVOB Participation Quote
[7564-103](#) – SDVOB Contractor Unavailability Certification

Per NYS Executive Law: Article 15-A - (§§310-318), at no point will the campus entertain waiver requests submitted prior to review of the utilization plan.

Please submit the above documentations by mail, fax, or email:

Procurement Office, Stony Brook University (SUNY)
Attn: Rebecca Kim
Research and Development Campus
BLDG 17 Development Drive
Stony Brook, NY 11794-6000

MWBE Program Coordinator: Rebecca Kim
Fax: 631-632-6064
Tel: 631-632-9308
Email: Rebecca.Kim@stonybrook.edu

- OR - IF APPLICABLE

Please submit the above documentation to the University-wide MWBE Program Office:

SUNY System Administration at State University Plaza,
Office of Diversity, Equity and Inclusion
University-wide MWBE Program
Albany, NY 12246
Fax: (518)-320-1548
Tel: (518)-320-1452
Email: MWBEProgram@suny.edu

Information regarding this legislation may be found at: [Participation by Minority Group Members and Women \(MWBEs\) with Respect to State University of New York Contracts](#) on the [State University of New York](#) web site.

STATE UNIVERSITY OF NEW YORK UTILIZATION PLAN INSTRUCTIONS [FOR ALL CONTRACT TYPES]

A letter of explanation and documentation of efforts should accompany any Utilization Plan that falls short of the stated goals. Without an approved Utilization Plan, SUNY's Notice of Award and Contract may be withheld.

If you have questions or need assistance related to the SUNY's Minority and Women's Business or Service-Disabled Veteran-Owned Business requirements call the University-wide MWBE Program Office at 518-320-1189 or email MWBEprogram@suny.edu.

1. The three low bidding contractors ("Contractor") are required to submit a Utilization Plan (107) to the MWBE Program Coordinator within seven (7) calendar days after the opening of bids for construction contracts exceeding \$100,000.
2. The MWBE Program Coordinator is required to submit the mandatory MWBE and SDVOB documentation to the University-wide MWBE Program Office web based contract management system for commodity, service and construction related consultant service contracts exceeding \$25,000 and for construction projects exceeding \$100,000 upon contract execution.
3. The MBE, WBE, and SDVOB goals are **separate** and not to be treated as one combined goal.
4. The MBE, WBE, and SDVOB firms included are businesses the bidder *seriously expects* to include in the project activity.
5. The contractor reasonably commits to the dollar values included in the plan for participation by MBE, WBE, and SDVOB subcontractors and suppliers.
6. MBE and WBE firms **must be certified** by the New York State Department of Economic Development, Division of Minority and Women Business Development. A directory of certified minority and women-owned business enterprises is available on the internet at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>.
7. SDVOB firms **must be certified** by the Division of Service-Disabled Veterans' Business Development. A directory of certified minority and women-owned business enterprises is available on the internet at http://ogs.ny.gov/Core/Docs/CertifiedNYS_SDVOB.pdf. If you would like to receive an excel file containing the current the List of NYS Certified Service-Disabled Veteran-Owned Businesses and sign up to receive updates whenever we certify new businesses, please send a request to veteransdevelopment@ogs.ny.gov.
8. Contractors utilizing MWBE/SDVOB firms for supplies/materials/equipment whose NYS certification profile designates them as Broker will receive an MWBE/SDVOB utilization credit for the actual monetary value of the broker fees or the actual markup percentage of the items brokered.
9. MBE, WBE, and SDVOB Participation:

The actual services provided by the MBE, WBE, and/or SDVOB must be essential in the performance of the scope of work for the applicable contract. Utilization of a certified MBE, WBE, and/or SDVOB as a conduit or pass through for participation credit is **strictly prohibited**. It is the discretion of University-wide MWBE Program to determine whether services are essential in the performance of the scope of work and offer a determination of the appropriateness of work allowed for lower tier subcontracting in accordance with practices generally accepted in the construction industry. The services the MBE or WBE will provide must be among those explicitly identified in the profile (codes) of firm as listed in the NYS Empire State Development Directory of Certified MWBEs. The services the SDVOB will provide must be among those explicitly identified in the profile (codes) of the firm as listed in the SDVOB directory [Division of Service-Disabled Veterans' Business Development](#). Firms submitted or who participate in the project outside of these conditions and without specific prior approval by SUNY will not be credited toward the Utilization Plan and goals for the contract.
10. Prior to submitting the Plan, the Contractors should confirm the following:
 - a. MBE, WBE, and SDVOB firms are NYS certified;
 - b. MBE **or** WBE designation ~ Dual certified firms may be used as *either* but **not** both;
 - c. MBE, WBE, and SDVOB firms are being used for item(s) within their certification product codes;

- d. MBE, WBE, and SDVOB firms will perform work for which they have been submitted; and
- e. 2nd tier subcontractors and/or suppliers are noted as such and Utilization credit shall be given for 60% of the total contract value of supply purchases or services rendered (for example, when an electrical subcontractor purchases from a 3rd party supplier a utilization credit will be given for 60% of the total contract value).

The prime Contractor is responsible for ensuring participation provided by subcontractors for 2nd and 3rd tier MBE, WBE, and SDVOB participation.

Submission of a Utilization Plan which fails to meet or exceed each goal shall be accompanied by documentation of specific efforts undertaken both pre and post bid. The campus MWBE Program Coordinator will review and notify contractor of its assessment.

The University-wide MWBE Program Office in collaboration with the campus MWBE Program Coordinator will review the Utilization Plan and notify the contractor of any deficiencies and determine necessary actions to bring the Utilization Plan into compliance. The University-wide MWBE Program Office reserves the right to require the contractor to provide sufficient documentation of the efforts made in the development of the Plan. The documentation should meet the good faith efforts standard under 5 NYCRR Part §141.6 and 9 NYCRR § 252.2, and demonstrate the contractor's commitment to providing opportunities for MBE, WBE, and SDVOB firms in the development of the Utilization Plan.

A copy of the approved Utilization Plan will be provided to the contractor after issuance of Notice of Award.

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INSTRUCTIONS CONTINUE ON THE NEXT PAGE

FORM 107 (Utilization Plan) INSTRUCTIONS

Requested information must be completed and submitted within seven (7) days after the bid opening.

Subcontractor Name & Address

Name & Address of each MBE/WBE subcontractor or supplier

MBE or WBE or SDVOB

Minority (MBE) or Women (WBE) or Service-Disabled Veteran-Owned (SDVOB) Designation

Federal ID

Provide accurate Federal ID number of each MBE/WBE subcontractor or supplier

Dollar Value of Subcontract or Purchase Order

This is the total value of the signed subcontract. If this value is different from the amount in the approved MBE/WBE/SDVOB utilization plan, an explanation should be provided.

Description of Work or Supplies

Brief description of work performed or supplies provided by the MBE/WBE/SDVOB subcontractor or supplier

Schedule

This is the anticipated start and completion dates for each MBE/WBE/SDVOB subcontractor or supplier. Do not include the construction schedule for the life of the entire project.

Signature

To be signed by an Officer of the Company

- The information included on the form is subject to verification by the campus MWBE Program Coordinator.
- The campus MWBE Program Coordinator must be notified prior to changes made to the approved Utilization Plan.

Questions regarding this form should **first** be directed to the [campus MWBE Program Coordinator](#) (click the link and be directed to the SUNY MWBE Campus Contacts directory on the University-wide MWBE web site).

Questions regarding this form should be directed to the University-wide MWBE Program Office at (518) 320-1189 or via e-mail: MWBEprogram@suny.edu.

Submit To:

State University of New York
Office of Diversity, Equity and Inclusion University-wide MWBE Program
353 Broadway
Albany, NY 12246
Or MWBEProgram@suny.edu

**MINORITY AND WOMEN’S BUSINESS - EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM POLICY STATEMENT**

Policy Statement

The _____ commits to carrying out the intent of the New York State
(Name of Campus, Consultant, Contractor)
Executive Law, Article 15-A which assures the meaningful participation of minority and
women’s business enterprises in contracting and the meaningful participation of minorities and
women in the workforce on activities financed by public funds.

Minority Business Officer

_____ is designated as the Minority Business Enterprise Officer
(Name of Designated Officer)
responsible for administering the Minority and Women’s Business-Equal Employment
Opportunity (M/WBE-EEO) program.

Phone _____

Email _____

M/WBE Contract Goals

_____ % Minority Business Enterprise Participation

_____ % Women’s Business Enterprise Participation

EEO Contract Goals

10% Minority Labor Force Participation

10% Female Labor Force Participation

(Authorized Representative)

Title: _____

Date: _____



UNIVERSITY-WIDE MWBE/SDVOB PROGRAM UTILIZATION PLAN

SUNY Project No. _____
 Contractor: _____
 Address: _____
 Phone Number: _____

Bid Date: [Click here to enter a date.](#) Agreement/Contract Value: _____
 Primary Contact: _____
 City: _____ State: _____ Zip Code: _____
 Fax Number: _____ E-Mail: _____

GOALS: MBE _____% WBE _____% SDVOB _____% Campus: _____

SUBCONTRACTOR	FEDERAL ID #	DOLLAR VALUE OF CONTRACT OR PURCHASE ORDER	DESCRIPTION OF WORK OR SUPPLIES	SUBCONTRACTOR/SUPPLIER SCHEDULE	
				START DATE	COMPLETION DATE
Company Name: _____ Street Address: _____ Contact Name: _____ E-Mail Address: _____ Check One: SDVOB <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/>				Click here to enter a date.	Click here to enter a date.
Company Name: _____ Street Address: _____ Contact Name: _____ E-Mail Address: _____ Check One: SDVOB <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/>				Click here to enter a date.	Click here to enter a date.
Company Name: _____ Street Address: _____ Contact Name: _____ E-Mail Address: _____ Check One: SDVOB <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/>				Click here to enter a date.	Click here to enter a date.
Company Name: _____ Street Address: _____ Contact Name: _____ E-Mail Address: _____ Check One: SDVOB <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/>				Click here to enter a date.	Click here to enter a date.

In accordance with the SUNY Contract Documents and Executive Law Article 15-A, my firm seriously expects to use the NYS certified MBE/WBE certified firms listed above. The Contractor shall immediately notify and request approval prior to any changes to this plan from the University-wide MWBE Program Office.

NAME: _____ TITLE: _____ COMPANY OFFICER'S SIGNATURE _____ DATE: [Click here to enter a date.](#)

APPROVED: DEFICIENT: MWBE PROGRAM COORDINATOR: _____ DATE: _____

EEO STAFFING PLAN

Instructions on page 2

Solicitation No.:	Reporting Entity:	Report includes Contractor's/Subcontractor's: <input type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Total work force
Offeror's Name:		<input type="checkbox"/> Offerer <input type="checkbox"/> Subcontractor Subcontractor's name _____
Offeror's Address:		

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work force	Work force by Gender		Work force by Race/Ethnic Identification								Disabled		Veteran				
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		(M)	(F)	(M)	(F)	
Officials/Administrators																		
Professionals																		
Technicians																		
Sales Workers																		
Office/Clerical																		
Craft Workers																		
Laborers																		
Service Workers																		
Temporary /Apprentices																		
Totals																		

PREPARED BY (Signature):	TELEPHONE NO.:	DATE:
	EMAIL ADDRESS:	
NAME AND TITLE OF PREPARER (Print or Type):		Submit completed with bid or proposal

General instructions: All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (ADM/EEO 100) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

Instructions for completing:

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the M/WBE Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

OTHER CATEGORIES

- **DISABLED INDIVIDUAL** any person who:
 - has a physical or mental impairment that substantially limits one or more major life activity(ies)
 - has a record of such an impairment; or
 - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** Male or Female